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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,816	11/16/2001	Kenichi Yoshida	ASA-1041	7644
24956	7590	02/23/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			JAIN, RAJ K	
1800 DIAGONAL ROAD			ART UNIT	
SUITE 370			PAPER NUMBER	
ALEXANDRIA, VA 22314			2664	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/987,816	Applicant(s) YOSHIDA ET AL.	
	Examiner Raj Jain	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino (U500623345281) in view of Wulkan et al (US005862203A).

Regarding claims 1 & 5, Nishino discloses a communication system having a portable computer (see Fig. 2, ref. 71, discloses a wireless communications device, which can be a portable laptop computer, col 3 lines 49-54) provided with a communication function for enabling said computer to communicate data via public phone (see col 8 lines 35-41, the wireless device such as a computer laptop can be connected to a PSTN line which is the public switched network or public phone.), comprising:

- computer having a standard wireless data communications device (see Figs. 1 & 3, col 8 lines 31-35, a wireless information processing terminal is construed to be a computer in this case that can connect wirelessly, the standard wireless data communications device is a modem within the computer.)

- public phone having a standard wireless data communication device (see col 8 lines 35-40, public phone is a PSTN network with appropriate modems for wireless connection to a wireless device such as Pc/laptop via appropriate base stations;

-a database provided in each carrier of said public phone and storing connection information from said public phone to a plurality of internet providers (see Fig. 3, S108, a database is provided that stores association information of base station Ids and its nearest access points of a provider and than retrieves access point and establishes connection, see col 3 line 57- col 4 line 4, col 13 line59 – col 14 line 17). ;

Nishino fails to disclose a computer obtaining best suited carrier line and provider connection information from the database to the public phone.

Wulkan discloses a telecommunications call management system that choose an optimum communications carrier for calls made by a user, see abstract, col 3 lines 12-17, 50-67. When a user 18, Fig. 2 makes a call, the dialed digits are intercepted by router 32 and a least cost routing “optimum” route is selected and transferred to the exchange carrier see col 8 line 64 – col 9 line 4, and col 7 line 30 - 67. Optimum routing option allows for calls to be placed and connected based on best available connection line with least cost.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Wulkan within Nishino in order to provide a more enhanced network connection for wireless and wireline communications devices with the most optimum route available and least cost to the user.

Further regarding claim 5, Nishino discloses a method of connecting a mobile terminal (Fig. 1) provided with a wireless communication unit with the Internet (Fig. 3), comprising the steps;

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- detecting a communicable public line connecting device to be connected with a public line (see abstract, Fig. 3, col 2 lines 35-60, col 3 lines 44- col 4 line 5, a wireless device detects available access points within its serving area that in- turn is connected to a master serving station further connected to a PSTN); and

-obtaining connection information and line information of an Internet provider from said detected public line connecting device (see Fig. 3, S108, a database is provided that stores association information of base station Ids and its nearest access points of a provider and than retrieves access point and establishes the connection, see col 3 line 57- col 4 line 4, col 13 line59 – col 14 line 17).

Regarding claim 6, Nishino discloses connection information of internet provider which includes access point information and visually displays output of any acquired information, (see Fig. 3, S108, a database is provided that stores association information of base station Ids and its nearest access points of a provider and than retrieves access point and establishes connection, see col 3 line 57- col 4 line 4, col 13 line59 – col 14 line 17. Once the wireless information is obtained a seventh aspect of the invention see Fig.1 , col 5 lines 37-45, provides a means via a terminal for displaying data and nearest access point information.). It would have been obvious to incorporate a visual display capability within the invention for purposes of ease of access and modification by user as needed.

Regarding claim 7 Nishino discloses connecting to an obtained access point by a mobile terminal with one of the access points obtained (see Figs. 1 & 3, col 4 lines 14-25, col 9 lines 3-11, lines 25-40, access point information once obtained is stored

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within a memory module of the wireless unit for retrieval and connection as appropriate).

Regarding claim 8, Nishino discloses toll information of public line from connecting device (see table 1 in col 13, col 12 lines 55 -67).

Regarding claim 9, Nishino discloses visual display output of any acquired information so desired (see Fig.1 , col 5 lines 37-45, table 1, col 12 lines 55-67).

Regarding claim 10, Nishino discloses accessing a mobile terminal with the access point selected through the public line connecting device selected on said obtained access point and the toll obtained by the mobile terminal, (see col 2 lines 40-50, col 9 lines 3-40) a user will access an internet service provider based on selectable locations and service cost based on available access points either via PC or wireless device as appropriate. An NTT toll number may be calculated to select an access point, see col 12 lines 55 for a given mobile terminal from stored toll information S100, Fig. 3.

Regarding claim 11, Nishino discloses enabling mobile terminal to provide public line connecting device with the information for specifying one provider (see col 3 line 64 - col 4 lines 4, the wireless device has the means for storing associations between the base station Ids and the nearest access points of a provider to connect to, once the wireless device obtains the required access point information, it than retrieves one of the access points that is associated with a current wireless base station and attempts an connection to the retrieved access point.).

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Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino (U500623345281) as applied to claim 1 above, and in view of Wulkan et al (US005862203A) and further in view of Christie et al (US006535483B1).

Nishino discloses a wireless information processing system that is connectable to an access point prepared by an Internet provider (see Figs 1, 3 and abstract). Nishino further discloses detection and appropriate allocation of relevant access points within a wireless cell or network.

Nishino and Wulkan fails to disclose general line information (such as line type, line speed, and congestion state).

Christie discloses a system and method for providing enhanced services for a telecommunications call such as line information col 26 line 65, called party information, network selection, routing information, the trunk group and alternate routes as appropriate, see fig. 19 and col 27 lines 10- 52. Incorporation of line information provides a database for billing and fault recovery due to network congestion, link failure, and excessive link charge.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate general line information within Nishino so as to provide a database for billing and fault recovery due to network congestion, link failure, and excessive link charge.

Response to Arguments

Applicant's arguments with respect to claims 1, 2-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

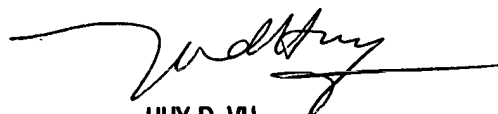
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-313355. The fax phone numbers for

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the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3144.

RJ
February 13, 2006



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600